

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Hypertherm, Inc.

v.

Civil No. 05-cv-373-JD

American Torch Tip Company

O R D E R

Trial of this patent infringement case is scheduled to begin on April 27, 2009. After the court granted Hypertherm's motion to exclude ATTC's expert witness and to preclude lay opinion testimony on invalidity issues, Hypertherm moved for leave to file an expedited motion for summary judgment on ATTC's remaining invalidity defenses. The motion and memorandum of law were filed as an exhibit to the motion for leave.

ATTC has now filed its response in which it assents to Hypertherm's motion for leave to file an expedited motion. ATTC reserves its right to object to the motion and asks that the deadline for its response to the motion be set for five business days after the motion for leave is approved or March 24, 2009, whichever is later.

Conclusion

Hypertherm's motion for leave to file a motion for summary judgment on the remaining invalidity defenses (document no. 517)

is granted. The motion for summary judgment and supporting memorandum, included as an exhibit to the motion for leave, shall be filed as a separate document.

ATTC shall file its response to the motion for summary judgment on or before March 24, 2009.

An order on the motion for summary judgment will issue in due course.

SO ORDERED.

  
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Joseph A. DiClerico, Jr.  
United States District Judge

March 17, 2009

cc: Jill C. Anderson, Esquire  
Jacob K. Baron, Esquire  
Steven M. Bauer, Esquire  
Lucas M. Blower, Esquire  
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